



Lewes District Council

Cabinet

Minutes of a meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Thursday, 19 March 2015** at 2.30pm

Present:

Councillor R Blackman (Chair)

Councillors P L Franklin, P A Howson, E C Merry and A X Smith

Apologies received:

Councillors A T Jones and R K Maskell

Councillor I Eiloart (Chair of the Audit and Standards Committee)

Ms D Twitchen (Tenants' Representative)

Minutes

78 Minutes

The Minutes of the meeting held on 12 February 2015 were approved as a correct record and signed by the Chair.

79 Urgent Items

The Chair advised that he had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that the oral Report of the Assistant Director of Corporate Services entitled "Appointment to Serve on Outside Body – Citizens Advice Bureaux (Lewes & Seaford)", be considered as a matter of urgency under Agenda Item 4 in order that a decision thereon could be taken based on the most recent information which was available.

Action

80 Appointment to Serve on Outside Body – Citizens Advice Bureaux (Lewes & Seaford)

The Cabinet considered the oral Report of the Assistant Director of Corporate Services relating to the appointment of Councillor Paul Gander as the Council's representative to serve on the Citizens Advice Bureaux (Lewes & Seaford) in place of former Councillor James Page.

Resolved:

- 80.1** That the appointment of Councillor Paul Gander as the Council's representative to serve on the Citizens Advice Bureaux (Lewes & Seaford) in place of former Councillor James Page, be confirmed.

ADCS

Reason for the Decision:

To confirm the appointment of Councillor Paul Gander as the Council's representative to serve on the Citizens Advice Bureaux (Lewes & Seaford).

81 Finance Update

The Cabinet considered Report No 47/15 which provided an update on financial matters that affected the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

Paragraph 3 and Appendix 1 to the Report set out details relating to the Council's Treasury Management activity between 11 December 2014 and 27 February 2015 which had been consistent with the Council's approved Treasury and Investment Strategies for 2014/2015.

Paragraph 4 of the Report related to the proposed procurement of professional advice associated with the Lewes Property Portfolio which was an innovative regeneration scheme in which the Council was to work with private sector and Registered Provider partners on a package of Council owned sites across the District.

Legal fees for the next stage of the project were estimated to be in the region of £40,000 to £50,000 excluding disbursements, funding for which had been earmarked in the Spending Power element of the Change Management and Spending Power Reserve. Of the £73,000 allocated at 1 April 2014, £37,000 had been spent in the year to date. The Report therefore recommended that a further allocation of £50,000 be made to provide funding for the legal fees for the next stage of the project as well as a contingency to meet disbursements and unexpected costs which might arise. Such additional allocation could be made from the unallocated balance that was held within the Change Management element of the Reserve, which currently amounted to £852,000.

At its meeting on 20 November 2014, Cabinet had considered Report No 162/14 which related to the Procurement of New Service Delivery Model Technology and Consultancy Services and had agreed that the Chief Executive and Director of Service Delivery, in consultation with the Leader and Deputy Leader of the Council, be authorised to award a contract to the supplier

selected by the procurement process set out in the Report.

It was intended that the contract be awarded to the most economically advantageous tender (MEAT), with weightings within the award criteria of price 30% and quality 70%. Such weightings were based on the market consultation exercise held in January 2015; research into the practice of other local authorities; and consideration of the importance of quality in meeting the project's objective of generating efficiency savings. The Council was obliged to award the contract based on the award weightings that were published with the invitation to tender.

In instances where the MEAT criteria was used, there was a possibility that the MEAT would be other than the lowest priced tender. The Council's Contract Procedure Rule (CPR) 6.22 required that a tender other than the lowest tender should not be accepted until Cabinet had considered a written report. However, under CPR 2.2, Cabinet had the power to waive CPRs in the case of a future procurement.

The Report recommended that, for the reasons set out in paragraph 4.3.5 of the Report, CPR 2.2 be applied in the case of the above procurement in order that the contract could be awarded to a tenderer other than the lowest tenderer if the lowest tender was not the MEAT.

Resolved:

- 81.1** That it be noted that Treasury Management activity since the last report to Cabinet has been consistent with the Council's approved Treasury and Investment Strategy, as detailed in Report No 47/15;
- 81.2** That an additional allocation of £50,000 within the Change Management and Spending Power Reserve be approved in respect of legal fees associated with the Lewes Property Portfolio project; DCS
- 81.3** That, in accordance with Contract Procedure Rule 2.2, it be agreed that the award of the contract for the New Service Delivery Model Technology and Consultancy Services can be made to the supplier submitting the Most Economically Advantageous Tender, in the event that it is not the lowest; and DCS
- 81.4** That the remainder of the Report be noted.

Reasons for the Decisions:

A report on funding issues in relation to the Council's General Fund Revenue Account, Housing Revenue Account and Capital Programme is made to each meeting of the Cabinet to ensure that the Council's financial health is kept under continual review. It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.

The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that

appropriate controls are in place and in accordance with the Code of Practice on Treasury Management in the Public Services prepared by the Chartered Institute of Public Finance and Accountancy and adopted by the Council.

82 Green Waste Collection Service

The Cabinet considered Report No 48/15 which set out proposals for a trial green waste collection service. Such waste was plant-based, biodegradable material which generally comprised garden waste, such as grass cuttings, weeds, hedge and shrub trimmings.

The Council currently collected a range of materials for recycling including food waste, glass, paper, cardboard and recyclable metals and plastics. However, an increasing proportion of Councils provided a green waste collection service to individual households as part of their waste and recycling activities. In most instances, it was an optional service for which residents were charged. Green waste that was collected that way could be counted as 'recycled material' which added to the overall amount that could be counted towards recycling performance targets. Furthermore, Councils were under pressure to increase the amount of recycling undertaken in their areas whilst reducing the amount of material that was sent to landfill.

The Report proposed that, for a period of one year, a pilot green waste collection service be offered in Seaford which would be undertaken fortnightly from households in the town who wished to pay for the service. It was proposed that the service would operate for one year but only from March to November inclusive, further details of which were set out in the Report. A charge of £60 to £75 would be made for the service which would include the provision of a 240 litre capacity bin in which the householder would place their green waste.

The Council received recycling credits payments each year from East Sussex County Council, the amount of which was dependent upon the volume and potential value of the recyclable material that was collected. East Sussex County Council had indicated that, in the event that the Council implemented its green waste pilot, the payment of an additional recycling credit was unlikely.

In the event that the pilot was implemented, the service would be evaluated as detailed in paragraph 21 of the Report.

Resolved:

- 82.1** That a green waste collection service pilot be run in Seaford for a 12 month period, with a 6 month review within that time, as detailed in Report No 48/15; and DSD
- 82.2** That the Director of Service Delivery, in consultation with the Cabinet Member for Corporate Services and the Cabinet Member for Service Delivery, be authorised to agree a charge for the green waste collection service which will ensure that it is cost neutral and reflect the volume of customers using the service as well as the operational costs. DSD

Reason for the Decisions:

A fortnightly green waste collection service pilot in Seaford would enable the demand for, and financial viability of, the scheme to be assessed, which would then inform any future decision about such a service being rolled-out district wide. The service will operate for 9 months of the year (no service in December, January and February) and will include the cost of a wheelie bin.

83 Strategic Tourism Vision Implementation 2015

The Cabinet considered Report No 49/15 which related to the phased action programme for Year One of the Strategic Tourism Action Plan 2015 to 2018, which formed the foundation for a new approach to delivering the Council's visitor information services across the District in line with changing visitor expectations. Appendix 1 to the Report set out details relating to Year 1 of the phased action programme.

At its meeting in September 2014, Cabinet had considered a Report on the future of tourism and visitor services in the District which had included agreeing a new high level Strategic Tourism Vision. That vision highlighted the way the Council could work more efficiently and effectively over the next 3 to 4 years using available resources to modernise the service in line with visitor demand and expectation.

Officers had been working on the phased action programme for Year 1 of the Strategic Tourism Action Plan which had included exploring locations and developing partnerships for a first pilot round of visitor information points and working with the South Downs National Park Authority (SDNPA) on the appropriate design concepts using the shared visual identity.

The Officers had progressed the partnership work with the SDNPA and had confirmed the sites of four bespoke visitor information points (VIP's) in key locations in the District, further details of which were set out in paragraph 2.3 of the Report and at Appendix 2 thereto.

The design and quality of the VIP's fitted to the specification of the four different sites, complementing their open plan, contemporary architectural design. The Officers had prepared 'Agreements in Principal' for partner organisations to host the VIPs subject to specific terms and conditions agreed by all parties.

Paragraph 2.10 of the Report set out details relating to the Council's destination website, Stay Lewes, which had been retained for a further year to January 2016 and had been enabled for mobile devices from January 2015.

Resolved:

- 83.1** That the phased action programme for Year 1 of the Strategic Tourism Action Plan 2015 to 2018, as set out at Appendix 1 to Report No 49/15, be noted;

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| 83.2 | That the locations for four pilot visitor information points, as detailed in the Report, be agreed; | DBSD |
| 83.3 | That the design concept of the visitor information points using the new South Downs National Park Authority shared identity, be approved; and | DBSD |
| 83.4 | That it be noted that 'Stay Lewes,' the destination website for the district, has been extended for a further year and has been mobile device enabled. | |

Reasons for the Decisions:

Officers have been working on the phased action programme for Year 1 of the Strategic Tourism Action Plan that was approved by Cabinet in September 2014. This has included exploring locations and developing partnerships for a first pilot round of visitor information points and working with the South Downs National Park Authority on the appropriate design concepts using the shared visual identity. Accessible and sustainable locations for the pilot locations have been selected.

The Council's Stay Lewes website has been continued for 2015, to ensure our service to visitors and tourism businesses is maintained for this year. Officers have been looking at a range of viable alternatives, including the www.bestofsussex.com, a new local business and have spoken to Brighton & Hove City Council about their experiences of operating Visit Brighton, a council/business partnership model.

84 Options for the River Ouse Inland Drainage District

The Cabinet considered Report No 50/15 which set out details relating to the Environment Agency's decision to dissolve the Ouse Inland Drainage District, set out the options and consideration of the future management of the area of the inland drainage board.

In June 2012, the Environment Agency had decided to end its role in managing the manage water levels in the lowland areas adjacent to key rivers which were defined as Inland Drainage Districts (IDD). That Agency did not normally undertake such role and, over time, it had transferred or dissolved those responsibilities according to local circumstances. Only eight IDDs remained, all of which were located in the South East of England, one of which was the Ouse Inland Drainage District and two others covered the Cuckmere and Pevensey.

An Internal Drainage Board (IDB) was a local public authority that managed water levels in a defined area namely, the IDD. Initially they ensured that water levels were managed to benefit farmers but, more recently, they had been involved with reducing the risk of flooding to people and property. The Inland Drainage Board had the power to raise levies, a drainage rate charged on landowners with an IDD and a special levy charged upon local authorities in the area. The vast majority of the IDB's budget was raised from the Special Levy on the district councils in the IDD area. Appendix 1 to the Report provided

an introduction to IDB's

Paragraph 3 of the Report set out details relating to The River Ouse IDD and paragraph 5 set out information in respect of the flood risk within the IDD. The main source of flood risk in the Ouse valley was from the River Ouse and its tributaries. If flooding occurred from the Ouse, initially the flood plain and the IDD water courses would be inundated. Though the IDD water courses would not affect the potential for higher areas and associated infrastructure from being flooded, the IDD water courses and pumps helped to drain the flood affected areas as the levels of water in the River Ouse dropped.

There was potential for the poorly maintained drainage network to impact areas such as the Stanley Turner Grounds in Lewes and other recreational lands in Lewes and Newhaven that were owned by the Council. However, as Riparian Owners, the Council would, if necessary, have the ability to improve drainage ditches in the immediate vicinity of those land holdings.

Wealden District Council and Eastbourne Borough Council had agreed to set up an IDD, and East Sussex County Council, as the Lead Local Flood Authority, was keen to establish IDD's as they assisted in delivering their objectives and potentially helped avert enforcement action which would be undertaken by the lead local flood authority. The circumstances in respect of Wealden District Council and Eastbourne Borough Council were different when compared with the Council's as they had higher levels of risks.

Adur and Worthing District Councils had chosen not to establish an IDD as they believed they could more effectively use the special levy by targeting spend on areas of greater flood risk without the administrative costs of an IDD. Instead they were working with the Environment Agency to identify those water courses that were necessary to mitigate flood risk and were using the money previously paid to the Agency to employ an engineer to carry out inspections of water courses and management of flood risk work and planned land drainage maintenance works. If the Council was to do the same, it would be increasing active flood management in areas of greatest need, not necessarily restricting it to a flood plain with few valuable assets at risk of flooding.

Resolved:

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| 84.1 | That the Council not instigate or lead on the establishment of an Inland Drainage District for the River Ouse or join with the wider East Sussex Inland Drainage District; | DSD |
| 84.2 | That, in the absence of an Inland Drainage District, from 2016/2017 the funds previously levied by the Environment Agency for managing the Inland Drainage District should be targeted to mitigate flood risk across the district (including coastal protection), consulting with the Environment Agency and other organisations as appropriate; | DSD |
| 84.3 | That from 2016/2017 a Reserve be established from underspends within the flood risk budget to be used as contributions to unlock central government funds for larger flood and coastal erosion mitigation projects; and | DSD/
DCS |

84.4 That in three years' time a review of how water levels are being managed in the Ouse Inland Drainage District be undertaken in consultation with key partners such as East Sussex County Council, Environment Agency and others.

DSD

Reason for the Decisions:

To respond to the Environment Agency's decision to dissolve the Ouse Inland Drainage District.

85 A Combined Approach to Mitigating the Impact of Development Within 7km of the Ashdown Forest

The Cabinet considered Report No 51/15 which related to the position regarding the mitigation of development within the 7km zone around the Ashdown Forest and a proposal to undertake a combined approach with neighbouring authorities to help enable development to come forward in that area.

Ashdown Forest was located in Wealden District and was designated as a Special Area of Conservation and Special Protection Area. As such, it was protected under the European Union's Habitats and Birds Directives, and related national regulations. Habitat Regulations Assessment undertaken by Wealden District Council had shown that new development built within 7km of the Forest may cause detrimental effects on the ground nesting birds of the Forest, from ensuing recreational disturbance. Parts of Lewes District were within that 7km zone.

The Council's obligations under the Habitat Regulations included ensuring that development proposals in the District did not adversely affect the ecological integrity of any European designated site. In instances where an adverse effect was identified, the Habitats Directive promotes the use of mitigation measures and avoidance of any potentially damaging effects to the site.

In July 2012 a Report was taken to Cabinet which stated that a Planning Inspector had accepted evidence from Wealden District Council that development within 7km of the Ashdown Forest was likely to increase recreational use at the Forest which, in turn, was likely to have a significant impact on the ground nesting birds that resided in the Forest. Therefore, mitigation was needed before development could be allowed in the area. The 7km zone extended into the District which was impacting upon development at locations, particularly in Newick, where development was being resisted until acceptable mitigation measures could be identified.

The Report to Cabinet in July 2012 had identified that Suitable Alternative Natural Greenspaces (SANGS) were needed to attract new residents away from the Forest, therefore reducing the impact of recreational disturbance from visitors on the protected birds. However, with further understanding since the Cabinet Report, it was clear that SANGS could only be part of the solution in complying with the Regulations as there was also a need to better manage visitors to the Forest and monitor the impact of recreational disturbance on the protected birds. Therefore, all the relevant authorities had been working

towards the implementation of an Ashdown Forest Strategic Access Management and Monitoring Strategy (SAMMS) which, if implemented, would set out the measures that would help reduce the impact of visitors on the protected birds. Such measures were likely to include dog training, extra wardens, distribution of leaflets, increased signage and bird monitoring.

The SAMMS would cost out such measures, allowing the authorities to set a tariff which would be payable by developers on a per dwelling basis to contribute to the implementation of such schemes and thereby meet their obligations under the Habitats Regulations. It was reported that the likely cost per dwelling was currently estimated to be around £1,000 to £1,200 (not £1,800 as indicated in the Report) which was not expected to impact upon development viability within the part of the 7km zone within the District.

Further details relating to the proposed SAMMS were set out in paragraphs 2.1 to 2.6 of Report No 51/15.

Resolved:

- 85.1** That the Director of Business Strategy and Development, in liaison with the Lead Member for Strategy and Development, be authorised to consider, on behalf of the Council, whether to agree to the Ashdown Forest Strategic Access Monitoring and Management Strategy that is being prepared jointly by Wealden District Council (the lead authority), Lewes District Council, Mid Sussex District Council and Tunbridge Wells Borough Council; and
- 85.2** That the position with regards to development within the 7km zone, be noted.

DBSD

Reasons for the Decisions:

To ensure that Lewes District Council complies with The Conservation of Habitats and Species Regulations (Amendment) 2012 (Habitat Regulations) which transpose the requirements of EC Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive).

To help enable development within the 7km zone around the Ashdown Forest.

86 Risk Management – Annual Report to Cabinet

The Cabinet considered Report No 52/15 which related to risk management at the Council. Such management was about using common sense to take effective action to prevent or limit the impact of risks so as to help the Council meet its priorities and deliver services effectively.

In September 2003, Cabinet had adopted a Risk Management Strategy that sets out the responsibilities for risk management at the Council, and which was supported by a framework of procedures and guidance for the assessment of

risks and the development of mitigating controls.

The Strategy included provision for it to be reviewed annually by the Council's Corporate Management Team (CMT) which, in this instance, had been undertaken in February 2015 and had been updated with minor changes to reflect opportunities associated with risks. A copy of the Strategy was set out at Appendix 1 to the Report.

The Council had a standard approach for assessing risk which supported the Strategy and which was applied to service planning, the management of major projects and decision making, the methodology for which had been updated to reflect the need to manage the different aspects of the uncertainty, further details of which were set out in paragraph 4 of the Report.

Paragraphs 5 to 9 of the Report set out details relating to strategic risks which were those that were likely to have a significant impact across the Council in that, if they occurred, they were likely to prevent it from achieving its strategic objectives. Appendix 2 to the Report set out details of the strategic risk register which had been compiled by the CMT for 2015/16.

Appendix 3 to the Report set out details of the Action Plan for risk management for the year ahead.

Resolved:

- 86.1** That the Annual Report on risk management (ie Report No 52/15) be received and endorsed, and that the Council's Risk Management Strategy, as set out at Appendix 1 thereto, be noted;
- 86.2** That the strategic risks identified by the Council's Corporate Management Team and the associated mitigating controls, as set out at Appendix 2 to the Report, be noted; and
- 86.3** That the Action Plan for the coming year, as set out at Appendix 3 to the Report, be noted.

DCS

Reasons for the Decisions:

The Council is committed to the proper management of risk. Report No 52/15 forms part of the annual reporting cycle on risk as set out in the Risk Management Strategy, and proceeds to the Audit and Standards Committee after being endorsed by Cabinet. That Report is also one of the key elements in the Council's submissions to the external auditor, BDO, and will provide data for the Annual Governance Statement.

87 Portfolio Progress and Performance Report (April to December 2014)

The Cabinet received Report No 53/15 which related to progress and performance in respect of the Council's key projects and targets as at the end of December 2014.

Resolved:

- 87.1** That progress and performance in respect of the Council's key projects and targets for the period April to December 2014, as set out in Report No 53/15, be noted; and
- 87.2** That the Officers be thanked for their work in helping to achieve the positive results that were set out in the Report, particularly at a time of significant change within the Council.

DBSD

Reason for the Decisions:

To provide Cabinet with an analysis of Council progress and performance at the end of the third Quarter of the year. Report No 53/15 covers the period 1 April to 31 December 2014.

88 Ward Issues Raised by Councillors at Council

The Cabinet considered Report No 54/15 which related to responses to Ward issues which had been raised by Councillors at the Council Meeting held on 25 February 2015.

One of those Ward issues had been raised by Councillor Adeniji who felt that there was a need to provide more Dog Wardens in Seaford to help deter dog owners from not cleaning-up after their pets had fouled. He had therefore requested that the Council give consideration to training Seaford Town Council employees or volunteers to become Dog Wardens.

Resolved:

- 88.1** That the Officer action in respect of Ward issues raised by Councillors at the Council Meeting held on 25 February 2015, as detailed in Report No 54/15, be noted; and
- 88.2** That, with regard to the Ward issue that was raised by Councillor Adeniji relating to the provision of more Dog Wardens in Seaford, the Director of Service Delivery be authorised to undertake discussions with Seaford Town Council and investigate the possibility of authorising the Town Council so that any existing enforcement staff they have may also undertake the issue of fixed penalty notices to offenders in respect of dog fouling.

DSD

Reason for the Decisions:

To ensure that appropriate follow up action is taken in respect of Ward issues raised by Councillors at Council Meetings.

89 Exclusion of the Public and PressResolved:

- 89.1** That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the Public and Press be excluded from the meeting during the discussion of Report No 55/15 (Rationalisation of LDC Depots), as there is likely to be a disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

90 Rationalisation of LDC Depots

The Cabinet considered Report No 55/15 which related to the rationalisation of the Council's depots.

Resolved:

- 90.1** That a feasibility study be carried out into the relocation of Robinson Road Depot and North Street Waste & Recycling Centre onto a combined site at the location referred to in paragraph 2.4 of Report No 55/15, as detailed in that Report; and
- 90.2** That the requirements and associated timescales that the Council must meet to achieve the outcome as referred to in the Officer Recommendation 2, as set out in the Report, pending a Cabinet decision on the preferred option to deliver Waste & Recycling services, be noted.

DCS

Reasons for the Decisions:

To allow the Council to achieve vacant possession of its landholdings at North Street, including the Recycling Centre, thereby allowing the timely delivery of the strategic development. To also allow for the relocation of the Robinson Road depot, which is located on a site that is identified for housing delivery through the Property Portfolio Project.

The meeting ended at 2.47pm.

R Blackman
Chair